

Application No. 09/736,899

Reply to Final Office Action mailed December 31, 2003

Patent
Attorney Docket No. CU-2415

II. REMARKS/ARGUMENTS

A. Summary of the Amendments

The application still contains claims 29-45 and 47-80, claims 29-45 having been withdrawn from consideration.

Claims 48 and 64 have been amended in order to correct a minor informality detected by the Applicant upon reviewing the application.

Claims 53, 60, 61, 69, 76 and 77 have been amended in order to correct the claim dependency.

It is respectfully submitted that no new matter has been added to the application under the present amendment.

B. Summary of Rejections and Reply

35 USC 112

On page 2 of the Final Office Action, the Examiner has rejected claims 60, 61, 76 and 77 under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention. More specifically, the Examiner stated that, in claims 60 and 76, the recitation "said device analysis unit is operative to generate a third control signal" renders the claims indefinite and unclear since first and second control signals have not been previously generated. Similarly, the Examiner stated that, in claims 61 and 76 (s/c, intended to be 77), the recitation "said device analysis unit is operative to generate a fourth control signal" renders the claims indefinite and unclear since second and third control signals have not been previously generated.

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In response, Applicant has amended claims 60, 61, 76 and 77 in order to change their respective claim dependency. The respective claim dependency of claims 60 and 76 is now such that first and second control signals have been previously introduced. Similarly, the respective claim dependency of claims 61 and 77 is now such that second and third control signals have been previously introduced.

The amendments made to claims 60, 61, 76 and 77 are believed to have fully addressed and overcome the Examiner's rejection of these claims. Accordingly, the Applicant respectfully submits that claims 60, 61, 76 and 77 as amended are now in full compliance with 35 USC 112, second paragraph.

35 USC 103

On page 3 of the Final Office Action, the Examiner has rejected claims 47-80 under 35 USC 103(a) as being unpatentable over U.S. Patent Application No. 2002/0016921 (hereinafter referred to as "Olsen") in view of U.S. Patent Application No. 2003/0137685 (hereinafter referred to as "Meade, II"). As set forth below, the Applicant respectfully disagrees and submits that claims 47-80 distinguish clearly and patentably over the cited art.

Independent claim 47

The Examiner's attention is directed to the following limitations of claim 47:

*A disbursement tracking system (...) comprising:

- b) a processing unit coupled to said input, said processing unit operative to:
 - iii) determine a status of the output device on a basis of said device information, said status including an indication of a cost allocation data requirement of the output device;
 - iv) process said print job file on a basis of the cost allocation data requirement of the output device, for ensuring that said print job file is in condition for printing by the output device;

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It is respectfully submitted that the combination of Olsen and Meads, II does not explicitly disclose nor implicitly suggest the invention claimed in claim 47, as discussed below.

Firstly, Olsen does not disclose, teach nor suggest a processing unit operative to "determine a status of the output device on a basis of [the] device information, [the] status including an indication of a cost allocation data requirement of the output device". Olsen also does not teach or suggest that the processing unit is further operative to "process [the] print job file on a basis of the cost allocation data requirement of the output device, for ensuring that [the] print job file is in condition for printing by the output device".

Rather, Olsen describes a system including a document table listing a plurality of print job documents transferred from a plurality of clients of the system, and a user table containing information specifying users of the system that are allowed or disallowed by the plurality of clients to print the print job documents transferred to the document table. A client may consult the user table to determine if a print job document is printed and, in case it has been printed, which users have printed the document (see paragraph/box 60 of Olsen). Thus, Olsen describes a system that provides a status of the print job document, i.e. whether or not the print job document has been printed and if so, by which user of the system.

However, Olsen is totally unconcerned with determining a status of the output device itself, let alone a status including an indication of a cost allocation data requirement of the output device. In fact, as correctly noted by the Examiner on page 4 of the Final Office Action, Olsen is totally lacking any teaching or suggestion of a processing unit operative to "determine a status of the output device[, the status] including an indication of a cost allocation data requirement of the output device". Furthermore, as conceded by the Examiner, Olsen also does not teach or suggest "processing the print job file on the basis of the cost allocation data requirement of the output device", for ensuring that the print job file is in condition for printing by the output device.

Secondly, the Applicant respectfully submits that Meade, II does not disclose, teach nor suggest the above-discussed limitations of claim 47, already shown to be missing from Olsen. Specifically, Meade, II neither teaches nor suggests a processing unit operative to (1) "determine a status of the output device on a basis of [the] device information, [the] status including an indication of a cost allocation data requirement of the output device"; and (2) "process [the] print job file on a basis of the cost allocation data requirement of the output device, for ensuring that [the] print job file is in condition for printing by the output device".

Rather, Meade, II describes an apparatus for monitoring usage of consumables (e.g. paper and toner) at an image forming device in order to establish the cost of consumable resources that are utilized for any particular print job executed by the image forming device (see paragraph/box 27, lines 5-11 of Meade, II). The apparatus of Meade, II is totally unconcerned with the existence or non-existence of a cost allocation data requirement for any particular image forming device on which a print job is to be executed. Specifically, the apparatus of Meade, II monitors usage of consumables at an image forming device *without giving any consideration to whether or not there is a cost allocation data requirement for that particular image forming device* (see paragraphs/boxes 54 to 59 of Meade, II). Clearly, therefore, Meade, II does not teach or suggest a processing unit operative to "determine a status of the output device[the] status including an indication of a cost allocation data requirement of the output device".

Moreover, since it does not teach or suggest determining a cost allocation requirement of an image forming device, Meade, II cannot possibly teach or suggest performing any operation on the basis of the cost allocation data requirement of the image forming device. In fact, as described above, the apparatus of Meade, II always processes a print job file in the same manner (i.e. monitors and reports consumables usage at the image forming device) *regardless of whether or not there is a cost allocation data requirement for the particular image forming device on which the print job is to be executed*. Thus, Meade, II cannot be held to teach or suggest processing "[the] print job file on a basis of the cost allocation data requirement of

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the output device, for ensuring that [the] print job file is in condition for printing by the output device".

In light of the foregoing, it is respectfully submitted that at least one limitation of independent claim 47 is neither taught nor suggested by the cited art, whether taken separately or in combination. Therefore, the Applicant respectfully submits that at least one criterion required for establishing a *prima facie* case of obviousness in accordance with MPEP 706.02(j) has not been satisfied¹.

Accordingly, the subject matter of claim 47 is believed to be novel and non-obvious over the cited prior art and, as such, in condition for allowance. The Examiner is respectfully requested to withdraw the rejection of claim 47 under 35 USC 103(a).

Dependent claims 48-62

Claims 48-62 depend either directly or indirectly on claim 47 and therefore include all of the limitations of claim 47. Hence, for the same reasons as those set forth herein above in respect of claim 47, the Applicant respectfully submits that claims 48-62 distinguish clearly and patentably over the cited art, such that they are also believed to be in condition for allowance. The Examiner is thus respectfully requested to withdraw the rejection of claims 48-62.

Independent claim 63

The Examiner's attention is directed to the following limitations of claim 63:

"A computer readable storage medium containing a program element for execution by a computing apparatus to implement a disbursement tracking system (...), said disbursement tracking system including:

- *****
b) a processing unit coupled to said input, said processing unit operative to:

¹ For the Examiner to establish a *prima facie* case of obviousness, three criteria must be considered: (1) there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the reference teachings, (2) there must be a reasonable expectation of success, and (3) the prior art references must teach or suggest all of the claim limitations. MPEP §§ 706.02(j), 2142 (8th ed.).

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- iii) determine a status of the output device on a basis of said device information, said status including an indication of a cost allocation data requirement of the output device;
- iv) process said print job file on a basis of the cost allocation data requirement of the output device, for ensuring that said print job file is in condition for printing by the output device;

It is respectfully submitted that the combination of Olsen and Meade, II does not explicitly disclose nor implicitly suggest the invention claimed in claim 63.

Specifically, for the same reasons as those set forth herein above in respect of claim 47, neither Meade, II nor Olsen teaches or suggests a processing unit operative to (1) "determine a status of the output device on a basis of [the] device information, [the] status including an indication of a cost allocation data requirement of the output device"; and (2) "process [the] print job file on a basis of the cost allocation data requirement of the output device, for ensuring that [the] print job file is in condition for printing by the output device".

Accordingly, the Applicant respectfully submits that the subject matter of claim 63 is novel and non-obvious over the cited prior art and, as such, in condition for allowance. The Examiner is respectfully requested to withdraw the rejection of claim 63.

Dependent claims 64-78

Claims 64-78 depend either directly or indirectly on claim 63 and therefore include all of the limitations of claim 63. Hence, for the same reasons as those set forth herein above in respect of claim 63, the Applicant respectfully submits that claims 64-78 distinguish clearly and patentably over the cited art, such that they are also believed to be in condition for allowance. The Examiner is thus respectfully requested to withdraw the rejection of claims 64-78.

Independent claim 79

The Examiner's attention is directed to the following limitations of claim 79:

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A disbursement tracking system (...) comprising:

- *****
- b) processing means coupled to said input means, said processing means operative to:
- *****
- iii) determine a status of the output device on a basis of said device information, said status including an indication of a cost allocation data requirement of the output device;
- iv) process said print job file on a basis of the cost allocation data requirement of the output device, for ensuring that said print job file is in condition for printing by the output device;
- *****

It is respectfully submitted that the combination of Olsen and Meade, II does not explicitly disclose nor implicitly suggest the invention claimed in claim 79.

Specifically, for the same reasons as those set forth herein above in respect of claim 47, neither Meade, II nor Olsen teaches or suggests processing means operative to (1) "determine a status of the output device on a basis of [the] device information, [the] status including an indication of a cost allocation data requirement of the output device"; and (2) "process [the] print job file on a basis of the cost allocation data requirement of the output device, for ensuring that [the] print job file is in condition for printing by the output device".

Accordingly, the Applicant respectfully submits that the subject matter of claim 79 is novel and non-obvious over the cited prior art and, as such, in condition for allowance. The Examiner is respectfully requested to withdraw the rejection of claim 79.

Independent claim 80

The Examiner's attention is directed to the following limitations of claim 80:

- "A method for controlling the usage of an output device, said method comprising:
- *****
- d) determining a status of the output device on a basis of said device information, said status including an indication of a cost allocation data requirement of the output device;
- e) processing said print job file on a basis of the cost allocation data requirement of the output device, for ensuring that said print job file is in condition for printing by the output device;
- *****

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It is respectfully submitted that the combination of Olsen and Meade, II does not explicitly disclose nor implicitly suggest the invention claimed in claim 80.

Specifically, for the same reasons as those set forth herein above in respect of claim 47, neither Meade, II nor Olsen teaches or suggests (1) "determining a status of the output device on a basis of [the] device information, [the] status including an indication of a cost allocation data requirement of the output device"; and (2) "processing [the] print job file on a basis of the cost allocation data requirement of the output device, for ensuring that [the] print job file is in condition for printing by the output device".

Accordingly, the Applicant respectfully submits that the subject matter of claim 80 is novel and non-obvious over the cited prior art and, as such, in condition for allowance. The Examiner is respectfully requested to withdraw the rejection of claim 80.

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III. CONCLUSION

In view of the foregoing, the Applicant is of the view that claims 47-80 are in allowable form. Favorable reconsideration is requested. Early allowance of the Application is earnestly solicited.

If the claims of the application are not considered to be in full condition for allowance, for any reason, Applicant respectfully requests the constructive assistance and suggestions of the Examiner in drafting one or more acceptable claims pursuant to MPEP 707.07(j) or in making constructive suggestions pursuant to MPEP 706.03 so that the application can be placed in allowable condition as soon as possible and without the need for further proceedings.

Respectfully submitted,

Dated: March 1, 2004



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